

KEES ADMINISTRATIVE REGULATION

ACTION
Agenda Item G-1
May 22, 2000

Recommendation:

That the Council approve the proposed amendment to the administrative regulation titled *13 KAR 2:090. Kentucky Educational Excellence Scholarship (KEES)* and file the administrative regulation with the Legislative Research Commission in accordance with the statutory requirements in KRS Chapter 13A.

Background:

Administration of the KEES program involves three agencies (the Council, the Kentucky Higher Education Assistance Authority, and the Kentucky Department of Education), each with different roles and responsibilities. As the policy-making body that oversees the KEES program, the Council is required to issue an administrative regulation that will not only fulfill its statutory requirements but also will provide a framework for the other agencies' activities.

The Council filed the initial KEES administrative regulation in September 1998 based on Senate Bill 21 as enacted by the 1998 General Assembly. The regulation needs to be updated and revised to incorporate two pieces of legislation enacted by the 2000 General Assembly.

The proposed amendment to the administrative regulation:

- Makes technical changes prescribed by SB 125 as enacted by the 2000 General Assembly.
- Adds Academic Common Market institutions – out-of-state institutions that offer programs not available in Kentucky to Kentucky residents at in-state tuition rates – prescribed by HB 462 as enacted by the 2000 General Assembly.
- Allows expiration of the 1998-99 and 1999-2000 provision that required using the 1997-98 grade scale in determining KEES awards. Grade scale decisions will be made by each high school consistent with KERA's emphasis upon local decision-making.

The administrative regulation process is complex. Two public hearings will be scheduled. Changes may be made during the review process. Once the administrative regulation has finally been adopted by the

Legislative Research Commission, we will distribute it to the Council members as an information item. We estimate it will be adopted in August 2000.

COUNCIL ON POSTSECONDARY EDUCATION

(PROPOSED AMENDMENT)

13 KAR 2:090. Kentucky Educational Excellence Scholarship (KEES) ~~[Program]~~.

RELATES TO: KRS 154A.130(4), 156.070, 164.7871, 164.7874, 164.7877, 164.7879, 164.7881, 164.7885, 164.7889

STATUTORY AUTHORITY: KRS 164.020(28), 164.7874 ~~[(1), (3), (7)]~~, 164.7877(3), 164.7879(1) and ~~[]~~ (3), 164.7881(4)(a) and ~~[]~~ (6) ~~[, EO 98-1592]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.7877(3) requires the Council to administer the ~~[Commonwealth Merit Scholarship Trust Fund. EO 98-1592 renamed the scholarship as the]~~ Kentucky Educational Excellence Scholarship (KEES) ~~[program]~~. KRS 164.7877(3) requires the council to administer the funds appropriated to the trust fund for the program. KRS 164.7874~~(13)~~(13)~~[(7)]~~ requires the council to develop and implement standards for high school curriculum as they relate to eligibility for participation in the program. KRS 164.7879(3)(c) requires the council to determine the eligibility of a noncertified, nonpublic high school graduate and for a GED recipient for a supplemental award. KRS 164.7874(3) requires the council to establish a table to convert an SAT score to an ACT standard. KRS 164.7881(6) requires the council to establish a five (5) year postsecondary education program standard. KRS 164.7881(4)(a) requires the council to establish overall award levels for the program. This administrative regulation establishes those requirements relating to the Kentucky Educational Excellence Scholarship (KEES) ~~[program]~~.

- 1 Section 1. Definitions. (1) "Academic term" means the fall or spring semester or their equivalence
- 2 under a trimester or quarter system at a postsecondary education institution and shall not include
- 3 summer sessions.

(2) "Academic year" is defined in KRS 164.7874(2).

(3) "ACT" means the test:

(a) Administered to a student for entrance to a Kentucky postsecondary education institution; and

(b) Owned by the ACT Corporation of Iowa City, Iowa.

(4) "Advanced placement" means a cooperative educational endeavor between secondary schools and colleges and universities administered by the College Board of the Educational Testing Service and recognized by KDE.

(5) "Authority" or "KHEAA" is defined in KRS 164.7874(4).

(6) "Council" or "CPE" is defined in KRS 164.7874~~(6)~~~~(9)~~.

(7) "Eligible high school student" is defined in KRS 164.7874~~(7)~~~~(10)~~.

(8) "Enrolled" means the status of a student who has completed the registration requirements, except for the payment of tuition and fees, at a participating institution that a the student is attending.

(9) "GED" means a general educational development diploma awarded to a student.

(10) "High school" is defined in KRS 164.7874~~(11)~~~~(13)~~.

(11) "International baccalaureate course" means a course in a secondary education program sponsored by the International Baccalaureate Organization and recognized by the KDE in 704 KAR 3:340, Section 2(3)(b).

(12) "KDE" means the Kentucky Department of Education authorized and established pursuant to KRS 156.070.

(13) "KEES curriculum" is defined in KRS 164.7874(13).

(14) "Participating institution" is defined in KRS 164.7874(17) and shall include only those out-of-state institutions that participate in the Academic Common Market~~(15)~~.

1 (15) ~~[(14)]~~ "SAT" means the Scholastic Assessment Test administered to a Kentucky student
2 seeking admission to a Kentucky postsecondary education institution.

3 ~~[(15) "Scholarship curriculum" is defined in KRS 164.7874(7).]~~

4 Section 2. High School Grade Point Average Calculation and Reporting. (1) An eligible student's
5 grade point average, as defined in KRS 164.7874(10) ~~[(12)]~~, for an academic year shall be calculated
6 using each grade awarded for all courses taken during an academic year.

7 (2)(a) Except as provided in paragraph (b) of this subsection, an eligible student's grade point
8 average shall be calculated by:

9 1. Taking the number of units in a course multiplied by the course grade as expressed on a 4.0 point
10 grading scale where 4.0 is an "A" and 0.0 is an "F;"

11 2. Adding the total number of points accumulated for an academic year; and

12 3. Dividing the total number of points accumulated in subparagraph 2 of this paragraph by the total
13 number of units for the academic year.

14 (b) Notwithstanding the provisions of subparagraph 1. of paragraph (a) of this subsection, for an
15 eligible high school ~~{a}~~ student taking an advanced placement or international baccalaureate course
16 during the academic year, the grade assigned ~~[in paragraph (a)1. of this subsection]~~ shall be calculated
17 using a 5.0 point scale where 5.0 is an "A" and 1.0 is an "F."

18 (3) The grade point average reported for an eligible high school ~~{each}~~ student for each academic
19 year shall include all information as set forth in KRS 164.7885(1) and in the manner as the KDE or the
20 KHEAA shall require.

21 ~~[(4) For the 1998-1999 and 1999-2000 school years, the grade point average reported for each~~
22 ~~eligible student shall be based on the grade scale in place in that school during the 1997-98 academic~~

1 year.

2 ~~(5) During the 1999-2000 fiscal year, the council shall request the assistance of the Kentucky Board~~
3 ~~of Education to develop minimum threshold levels for letter grades to be used in 2000-2001 for the~~
4 ~~purposes of this program.]~~

5 Section 3. KEES ~~[Scholarship Curriculum]~~. (1) A student shall complete the KEES ~~[scholarship]~~
6 curriculum established in this section to qualify for the base scholarship award.

7 (a) Except as provided in paragraph (b) of this subsection, the KEES ~~[scholarship]~~ curriculum shall
8 consist of the courses and electives required by this paragraph.

9 1. For a student enrolled in high school during the 1998-1999 academic year, the curriculum required
10 in 704 KAR 3:305, Section 1 or 2, as appropriate without restriction on the type of electives taken.

11 2. For a student enrolled in high school during the 1999-2000 and 2000-01 academic years and
12 who is required to meet the curriculum standards in 704 KAR 3:305, Section 1, the eight (8) electives
13 required by 704 KAR 3:305, Section 1, shall be taken in the areas and according to the standards
14 established in subparagraph 4 of this paragraph.

15 3. For a student enrolled in high school during 1999-2000 and for each year thereafter who is
16 required to meet the curriculum standards in 704 KAR 3:305, Section 2, five (5) of the seven (7)
17 electives required by 704 KAR 3:305, Section 2 shall be taken in the areas and according to the
18 standards established in subparagraph 4 of this paragraph.

19 4. The following subject areas and standards shall be applicable for electives. An elective in:

20 a. Social studies, science, mathematics, English/language arts, or arts and humanities shall be a
21 course whose academic content is as rigorous as the content established for courses in this area in 703
22 KAR 4:060.

b. Physical education or health shall be a course whose academic content is as rigorous as the content established for courses in this area in 703 KAR 4:060, and shall be limited to one-half (1/2) academic unit of credit for each area.

c. Nonnative languages shall be a course whose academic content includes teaching the spoken and written aspects of the language.

d. Agriculture, industrial technology education, business education, marketing education, family and consumer sciences, health sciences, technology education, or career pathways shall be a course whose academic content is beyond the introductory level in the vocational education areas of study as established by 703 KAR 4:060.

(b) A high school may substitute an integrated, applied, interdisciplinary, or higher level course for a required course or required elective if:

1. The course provides the same or greater academic rigor and the course covers the minimum required content areas or exceeds the minimum required content areas established in 703 KAR 4:060, and the document "Academic Expectations;" or

2. The course is an honors course, cooperative education course, advanced placement course, international baccalaureate course, dual credit course, or a course taken at a postsecondary education institution.

(2) A high school annually shall provide written documentation to a student on whether the student's schedule of coursework meets the requirements of the KEES ~~[scholarship]~~ curriculum.

Section 4. Eligible Postsecondary Education Programs. (1) An eligible program shall be a certificate or degree program offered by a participating institution and recognized by the Council.

(2) An eligible program at an out-of-state participating institution shall be limited to those programs

1 that qualify through the Academic Common Market.

2 (3) Pursuant to KRS 164.7881(6), the following academic programs shall be approved as five (5)
3 year baccalaureate degree programs:

4 (a) Architecture (04.0201);

5 (b) Landscape architecture (04.0601); and

6 (c) Engineering (14.0101, 14.0301, 14.0701, 14.0801, 14.0901, 14.1001, 14.1201, 14.1701,
7 14.1801, 14.1901, 14.2101, 14.9999.01).

8 Section 5. Base Scholarship Award. ~~[Beginning July 1, 1998,]~~ A Kentucky resident enrolled in a
9 Kentucky high school who is eligible for a base scholarship award shall be limited to a maximum of four
10 (4) base scholarship awards.

11 Section 6. SAT Conversion Table. Pursuant to KRS 164.7874(3), the following SAT to ACT
12 Conversion Table shall be used:

Table C-2
Concordance Between SAT I Recentered V+M Score and ACT Composite Score

[illegible]

This table can be used to relate SAT I V+M scores to ACT Composite scores.

The estimates are based on the test scores of 103,525 students from fourteen (14) universities and two (2) states who took both the ACT and the SAT I between October 1994 and December 1996. Because the ACT and the SAT I have different content, students' actual scores on the ACT could differ significantly from the concordance estimates in the table.

Source: ACT, Inc. Questions about the concordance study may be directed to ACT's Research Division (319/337-1471).

January 1998

Section 7. Criteria for Supplemental Award to Noncertified, Nonpublic High School Students and to GED Students. (1) A Kentucky resident who is a citizen, national or permanent resident of the United States and who graduates from a nonpublic Kentucky high school not certified by the Kentucky Board of Education shall be eligible for a supplemental award if:

(a) The student is not a convicted felon;

(b) The date of the student's graduation is May 1999 or thereafter;

(c) The student takes the ACT or SAT and has at least a minimum score as established by KRS 164.7879(3); and

(d) The student enrolls in a participating institution within five (5) years after graduation from high school.

(2) A Kentucky resident who is a citizen, national or permanent resident of the United States and who has not graduated from either a certified Kentucky high school or a nonpublic Kentucky high school that is not certified by the Kentucky Board of Education shall be eligible for a supplemental award if:

(a) The student is not a convicted felon;

(b) The student's eighteenth (18) birthday occurs on or after January 1, 1999;

(c) The student takes and receives a GED diploma in Kentucky within five (5) years of attaining eighteen (18) years of age;

(d) The student takes the ACT or SAT and achieves a minimum score for eligibility as established by KRS 164.7879(3); and

(e) The student enrolls in a participating institution after July 1, 1999, and within five (5) years of receiving the GED diploma.

(3) A student requesting a supplemental award under this section shall notify the participating institution where the student has or intends to enroll.

(4)(a) Residency shall be determined by a participating institution in accordance with 13 KAR 2:045.

(b) A participating institution shall determine a student's eligibility for a supplemental award under this section and shall notify KHEAA of the student's eligibility.

Section 8. Supplemental Award. An eligible high school ~~[A]~~ student who receives a supplemental award as a result of taking and receiving a GED within five (5) years of obtaining eighteen (18) years of age shall have a maximum of five (5) years eligibility beyond the date the GED is received.

Section 9. Administrative Responsibilities and Expenses of Program. (1) The CPE annually shall determine the level of funding for expenses associated with the program and shall allocate funds from the "Wallace G. Wilkinson Commonwealth Merit Scholarship Trust Fund" described in KRS 164.7877(1) and (3).

(2) The KDE and the KHEAA ~~[authority]~~ annually, by April 1, shall provide to the CPE a budget proposal indicating the amount of funds requested and a detailed listing of the expenditures necessary to operate the program.

(3) The CPE shall notify the KDE and the KHEAA ~~[authority]~~ of the amount of funds available for the next fiscal year no later than April 30 of the fiscal year preceding the fiscal year that funds are to be made available.

(4) The CPE shall develop an allotment schedule for the release of the administrative funds and shall notify the KDE and the KHEAA of that schedule.

Section 10. Incorporation by Reference. (1) "Kentucky's Learning Goals" as set forth in KRS
158.6451 and "Academic Expectations," ~~["]~~ as set forth in 703 KAR 4:060 ~~are [July 1994, is]~~
incorporated by reference.

(2) This material may be inspected, copied or obtained at the Council on Postsecondary
Education, 1024 Capital Center Drive, Suite 320, Frankfort, Kentucky, Monday through Friday, 8 a.m.
to 4:30 p.m.

Charles Whitehead
Chair
Council on Postsecondary Education

Date

APPROVED AS TO FORM:

Dennis L. Taulbee
General Counsel
Council on Postsecondary Education

Date